



## City of Santa Barbara Planning Division

### STAFF HEARING OFFICER MINUTES

OCTOBER 21, 2009

#### **CALL TO ORDER:**

Susan Reardon, Senior Planner, called the meeting to order at 9:00 a.m.

#### **STAFF PRESENT:**

Susan Reardon, Senior Planner  
Roxanne Milazzo, Associate Planner  
Gloria Shafer, Staff Hearing Officer Secretary

#### **I. PRELIMINARY MATTERS:**

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.  
No changes.
- B. Announcements and appeals.  
Ms. Reardon announced that the Staff Hearing Officer decision for a Medical Cannabis Dispensary Permit at 741-781 Chapala Street has been appealed to the Planning Commission.
- C. Comments from members of the public pertaining to items not on this agenda.  
No comments.

#### **II. CONSENT ITEMS:**

##### **ACTUAL TIME: 9:01 A.M.**

- A. **APPLICATION OF BRYAN POLLARD, ARCHITECT FOR JULIO & GAILE BARATTO, 1108 ARBOLADO ROAD, E-1 ONE-FAMILY RESIDENCE ZONE, APN 019-220-007, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2009-00438)**

The 11,039 square-foot project site is currently developed with a single family residence, detached two-car garage, and swimming pool. The proposed project involves a remodel to the residence that includes the installation of two windows.

The discretionary application required for this project is a Modification to permit the window installation within portions of the building that are nonconforming to the required ten-foot interior setback (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 & 15305.

Present: Bryan Pollard, Architect.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:01 a.m. As no one wished to speak, the Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

**ACTION:**

**Assigned Resolution No. 086-09**

Approved the subject application making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed windows are necessary for the new floor plan configuration, result in the same window area of the one being removed, and do not result in an intensification or change of use within the required setback.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**III. PROJECTS:**

**ACTUAL TIME: 9:03 A.M.**

**A. APPLICATION OF AMY SACHS, PROPERTY OWNER, 1429 CLEARVIEW ROAD, APN 041-102-009, R-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2008-00194)**

The 5,000 square foot project site is currently developed with a two-story single family residence above a two-car garage. The proposed project involves "as-built" open yard improvements including planters, a deck, terraces, and landscaping installations. The discretionary application required for this project is a Modification to permit the installations to exceed the maximum allowable height of 36 inches above grade (SBMC §28.15.060.C).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

Present: Amy Sachs, Owner.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:06 a.m.

Jim Marshall: addressed concerns regarding privacy concerns from the elevated deck.

Neil Murphy: concerned with privacy from the deck and loss of views from hedge. Two letters in support of the project from Charles Kunzel, and Rose Ewing, were acknowledged.

A letter from Paula Westbury in opposition to the project was acknowledged.

The Public Hearing was closed at 9:14 a.m.

Ms. Sachs suggested raising the fence to 8 feet and adding a trellis with vines for additional privacy.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood. Ms. Reardon stated that she has concern for the neighbor's privacy from the as-built elevated deck. The elevated deck is not appropriate within the required open yard given the slope of the property, the small size of the lot, and the adverse impacts to the neighboring properties. However, Ms. Reardon noted that the elevated deck is not within the required open yard and therefore is not part of the modification request before the Staff Hearing Officer.

**ACTION:**

**Assigned Resolution No. 087-09**

The Staff Hearing Officer finds that the Modification to allow the retaining wall and terraced area to exceed 36" in height within the required open yard is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The Modification allows for a level area for outdoor living space on a lot that previously had none. The retaining wall and on-grade terraced area would cause no impacts to the adjacent neighbors.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**ACTUAL TIME: 9:19 A.M.**

**B. APPLICATION OF ZEHREN & ASSOCIATES, INC., ARCHITECT FOR VIKRAM & SANDRA VERMA, 1562 LA VISTA DEL OCEANO DRIVE, APN 035-180-078, E-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2009-00376)**

The 19,166 square foot project site is currently developed with a two-story single family residence above a two-car garage and basement. The proposed project involves alterations to windows, decks, and stairwells, and legalization of portions of the existing development that were not built to plan. The discretionary application required for the project is a Modification to permit alterations and additions within the required ten foot interior setback (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15301 & 15305.

Present: David Lane, Representing Zehren and Associates.

Roxanne Milazzo, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:26 a.m.

A letter in opposition from Paula Westbury was acknowledged.

Two letters in support of the project from Ed and Darlene Tebo, and Jody Enders and Eric D'Hoker were acknowledged.

The Public Hearing was closed.

Ms. Reardon announced that she read the Staff Report and visited the site and surrounding neighborhood.

Ms. Reardon expressed concerns with the proposed stairway within the required interior setback and stated she could not support the encroachment given there were other conforming locations for the stairway.

Mr. Lane stated that the design has been modified and provided revised plans showing a stairway located in the setback with the deck shifted to avoid blocking views from the garage. He also stated that the applicant would like to convert one garage bay an exercise room. He stated that the revised stairway is less than 10 inches above grade.

Ms. Reardon responded that because the stairs are less than 10 inches in height they do not require a modification, and it will be noted on the plans that the stairway is

not to be more than 10 inches above grade. Ms. Reardon informed Mr. Lane that two covered parking spaces are required and parking is not allowed in the setback.

**ACTION:**

**Assigned Resolution No. 088-09**

Approved the subject application, as revised at the hearing, making the finding that the Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The Modification allows for legalization of the existing building's location within the interior setback, allows minimal changes to window openings to provide passive solar lighting to the lower floor area.

Said approval is subject to the conditions that the exterior steps located in the setback are to be 10 inches or less above grade and that parking is not allowed within the interior setback.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**III. ADJOURNMENT**

Ms. Reardon adjourned the meeting at 9:41 a.m.

Submitted by,

  
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Gloria Shafer, Staff Hearing Officer Secretary

10-27-2009  
Date

